

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10
11 THE BANK OF NEW YORK MELLON,
12 FKA THE BANK OF NEW YORK, AS
13 TRUSTEE FOR THE CERTIFICATE
14 HOLDERS CWALT, INC., ALTERNATIVE
15 LOAN TRUST 2006-19CB, MORTGAGE
16 PASS-THROUGH CERTIFICATES, SERIES
17 2006-19CB,
18
19 Plaintiff,
20 vs.
21 COMMONWEALTH LAND TITLE
22 INSURANCE COMPANY,
23
24 Defendants.

Case No.: 2:19-cv-01601-ART-DJA

ORDER APPROVING
STIPULATION TO
CONTINUE STAY OF CASE

25 Plaintiff, The Bank of New York Mellon, fka The Bank of New York, as Trustee for the
26 Certificate Holders CWALT, Inc., Alternative Loan Trust 2006-19CB, Mortgage Pass-Through
27 Certificates, Series 2006-19CB (“BONY”) and Defendant Commonwealth Land Title Insurance
28 Company (“Commonwealth”, and with BONY, the “Parties”), by and through their undersigned
counsel, hereby stipulate as follows:

25 This matter involves a title insurance coverage dispute wherein BONY contends, and
26 Commonwealth disputes, that the title insurance claim involving an HOA assessment lien and
27 subsequent sale was covered by the subject policy of title insurance. There are now currently
28

1 pending in the United States District Court for the District of Nevada and Nevada state courts
 2 more than one-hundred actions between national banks, on the one hand, and title insurers, on the
 3 other hand. In virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA
 4 2006 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9
 5 and/or CLTA 115.2/ALTA 5 Endorsements.

6 The Parties stipulated to a limited six-month stay of the case, which was granted on July
 7 19, 2022 [ECF No. 27]. The limited stay expired on January 19, 2023 [ECF No. 27]. The Parties
 8 have conferred and believe another limited six-month stay is warranted. The *PennyMac Corp. v.*
 9 *Westcor Land Title Ins. Co.*, Nevada Supreme Court Case No. 83737 (“*PennyMac*”) appeal
 10 remains pending. Additionally, there is another fully briefed appeal to the Nevada Supreme Court
 11 involving a similar coverage dispute in *Deutsche Bank Nat'l Trust Co. v. Fidelity Nat'l Title Ins.*
 12 *Co.*, Nevada Supreme Court Case No. 84161 (“*Deutsche Bank*”). Both *PennyMac* and *Deutsche*
 13 *Bank* are fully briefed, but oral argument has not been set. The Parties anticipate that the Nevada
 14 Supreme Court’s decisions in the foregoing appeals may touch upon issues regarding the
 15 interpretation of policy and claims handling, that could potentially affect the disposition of the
 16 instant action.

17 Accordingly, the Parties believe an additional stay of six months in the instant action will
 18 best serve the interests of judicial economy. The Parties request that the action be stayed for an
 19 additional six months, through and including, July 19, 2023. The Parties are to submit a Joint
 20 Status Report on or before July 19, 2023. The Parties further agree that this stipulation and stay
 21 of this case is entered based on the specific circumstances surrounding this particular case, and
 22 that this stipulation shall not be viewed as a reason for granting a stay in any other pending matter.

23 **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby
 24 stipulate and agree as follows:

25 1. In the interests of judicial economy and in efforts to preserve the Parties’ resources,
 26 the Parties request that this action be **STAYED FOR AN ADDITIONAL SIX (6)**
 27 **MONTHS**, through and including, July 19, 2023.
 28 2. All deadlines currently set in this case shall remain **VACATED**.

1 3. The Parties are to submit a Joint Status Report on or before July 19, 2023.
2 4. The stay will not impact subpoenas duces tecum and deposition subpoenas to third
3 parties, and the Parties may enforce subpoenas that the Parties propounded to third
4 parties during the stay.
5 5. By entering into this Stipulation, none of the Parties is waiving its right to
6 subsequently move the Court for an order lifting the stay in this action.

7 **IT IS SO STIPULATED.**

8 DATED this 25th day of January, 2023.

9 WRIGHT, FINLAY & ZAK, LLP

10 /s/ Lindsay D. Dragon
11 Lindsay D. Dragon, Esq.
12 Nevada Bar No. 13474
13 7785 W. Sahara Ave., Suite 200
14 Las Vegas, NV 89117
15 *Attorney for Plaintiff, The Bank of New York
Mellon, fka The Bank of New York, as
Trustee for the Certificate Holders CWALT,
Inc., Alternative Loan Trust 2006-19CB,
Mortgage Pass-Through Certificates, Series
2006-19CB*

16 DATED this 25th day of January, 2023.

17 SINCLAIR BRAUN LLP

18 /s/ Kevin S. Sinclair
19 Kevin S. Sinclair, Esq.
20 Nevada Bar No. 12277
21 16501 Ventura Blvd, Suite 400
22 Encino, California 91436
23 *Attorneys for Defendant, Commonwealth Land
Title Insurance Company*

24 **IT IS SO ORDERED.**

25 Dated this 25th day of January, 2023.

26 
27 Anne R. Traum
28 United States District Court Judge